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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN TAJIKISTAN

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1206 (1998) of 12 November 1998 by which the mandate of the United Nations Mission of Observers in Tajikistan (UNMOT) was extended to 15 May 1999. It brings up to date the record of developments in Tajikistan and the activities of the United Nations Mission of Observers in Tajikistan since my interim report of 8 February 1999 (S/1999/124).

II. MAIN DEVELOPMENTS

2. The situation in the country has remained relatively calm. The Commission on National Reconciliation (CNR), with UNMOT's active support and that of the Contact Group of Guarantor States and International Organizations, made renewed efforts to advance the implementation of the peace agreement and achieved some movement on both military and constitutional issues. However, it has continued to be difficult to translate agreements and decisions into concrete action.

3. On 2 March, President Emomali Rakhmonov and members of the Cabinet met with the leadership of the CNR and the Contact Group to discuss ways of expediting the peace process. President Rakhmonov issued a number of instructions to his Cabinet and to the CNR. These were to (a) implement the Amnesty Law by 12 March with respect to the 90 cases pending under article 4 (criminal charges); (b) provide to the office of the President the names of all registered United Tajik Opposition (UTO) fighters with pending amnesty cases; (c) finalize the pending nomination of 13 UTO members to high-level posts, and for Mr. Nuri to review again their qualifications; (d) begin discussion by 13 March on the incorporation of UTO representatives into regional governmental structures; (e) expedite the discussion on amendments to the constitution within the CNR; (f) reinstate UTO members and sympathizers to their former positions in the Government; (g) reinstate 44 UTO members to their previous positions in the so-called power structures (army, police, security); (h) begin, at the earliest possible date, the reconstruction of homes destroyed during the civil war; (i) complete by 12 March the attestation process in Garm, Tajikabad, and Jirgital; and (j) continue discussion between Mr. Nuri and the President on the appointment of Commander Mirzo Ziyoev to the defence portfolio. The President

instructed those present to make a full report on progress on these items by 12 March. There has been some follow-up but many of these issues remain pending.

Constitutional reform

4. The main step forward was an agreement on constitutional reform which the CNR submitted to President Rakhmonov on 26 March for his approval. The CNR agreed (a) that nominations to the posts of President, members of Parliament and local governmental bodies be made by political parties or individuals, (b) to retain the presidential system for the executive, while proposing (c) a professional (full-time) bicameral parliament. It further proposed (d) that the power to nominate judges should be transferred from the Minister of Justice to a new Supreme Judicial Council that would be appointed by the President, based on nominations from a number of bodies (Parliament, High Courts, Academy of Science, the Bar and Court Association), that (e) the power to appoint the chiefs of the district executives should be shifted from President to local elected bodies. Finally, the CNR recommended (f) changes be introduced in chapter II of the Constitution on individual freedoms, which would address the issue of the secular character of the State.

5. In his reply on 3 April, President Rakhmonov partially rejected the changes proposed under point (d) and rejected all proposed changes under points (e) and (f). As for the nomination of candidates (a), he said it be should be regulated by law. He accepted a professional parliament (c), but noted that the Government did not currently have the financial means to implement the provision.

6. The UTO members of the CNR expressed dismay at President Rakhmonov's swift rejection of compromise proposals reached after 14 months of often difficult debate. The chairman of the legal subcommission of the CNR, who also heads the Islamic Revival Party, the largest political party in the UTO, pointed out that the Government's representatives on the CNR had supported the proposals, and proposed that the President and the CNR meet to discuss them. He has since submitted his resignation from the CNR, but it was not accepted by the Islamic Revival Party. At the time of reporting, the matter remains pending, which threatens to make it impossible for Parliament to consider the amendments at its May session. This would, in turn, delay the holding of the constitutional referendum, which is to be preceded by a three-month period of public debate, and consequently of parliamentary elections. The Government has suspended the activities of a number of political parties, citing various charges, including the violation of provisions of the Law on Political Parties, adopted last November.

7. Underlying much of the debate on constitutional reform is a latent dispute between the Government and UTO over the order in which elections are to take place. The Government side wishes the election of the President - his term expires in November - to come first, to ensure that a constitutionally elected executive is in place, bearing in mind that the UTO has so far retained its military capacity. For its part, the UTO wishes the parliamentary election to precede that of the President out of concern that the President, if re-elected, might be emboldened to consider the power-sharing agreement to have been

superseded. Consequently, it regards the President's rejection of relatively modest constitutional amendments as a move to delay the parliamentary election. These concerns are reinforced by the very slow implementation of the Amnesty Law and of the integration of its fighters into the State's power structures.

8. Meanwhile, the United Nations and the Organization for Security and Cooperation in Europe (OSCE), the two Organizations requested under the peace agreement to provide support for elections, have agreed on a joint effort to encourage preparations for the holding of credible elections that can be accepted by all, including those who may be disappointed by the outcome. A first team of experts will travel to Tajikistan to focus on the procedural aspects of the preparations, including legislation related to elections, the registration of parties and voters, and complaint procedures. A second team will focus on the conditions pertaining to voter information and education, freedom of expression and equitable access to the media, registration of parties and candidates, and the deployment of domestic observers/party agents to monitor the ballots. A third team will then assess the overall situation, including security, on the basis of which a decision will be made regarding the final commitment and extent of the two Organizations' involvement. This phased approach has been adopted in an effort to get preparations for the elections under way, even if the formal conditions for elections are not yet in place.

Military issues

9. According to the CNR, 6,238 fighters have been registered and medically examined and have taken the oath of service, of whom 2,309 have been vetted by the Joint Central Review Commission of the Military Subcommission; 1,917 have been relieved from further service. In accordance with the Protocol on military issues (S/1997/209, annex II), such vetting was to take place in stage III of the process of reintegration and demobilization, but in view of the delay resulting from the deficiencies in the implementation of phases I and II (only partial assembly and collection/storage of arms), this work has been begun, although the other phases are not yet formally completed. The Commission has also vetted 3,736 government servicemen, of whom 74 were demobilized.

10. Also according to the CNR, 2,375 UTO fighters have been assigned to regular units, as follows: Ministry of Defence - 460 integrated and 464 in the process; Ministry of Interior - 304; Tajik Border Forces - 1,107; and the Committee on Emergency Situations - 40. While progress has been made with the effective integration of the personnel assigned to the Tajik Border Forces, the others are not, so far, under proper command and control, nor are they being paid or otherwise supported. UNMOT has no independent means of verifying the numbers provided by the CNR above.

11. This has created discontent among the fighters. On 7 April, nine field commanders in the Leninsky and Kofarnikhon districts addressed to UNMOT and other recipients a letter in which they expressed their concern about the delays affecting the reintegration of the fighters and complained that ex-UTO fighters who had gone to live with their families were being targeted by the police. Several had been arrested and one had been killed. They criticized the UTO leadership and called for its resignation, should it prove unable to correct the situation.

12. The lack of support for their fighters and the absence of any further appointments of UTO personalities in accordance with the power-sharing agreement has deepened suspicion of the Government among UTO field commanders and diminished their support for the peace process generally. This is particularly pronounced in the Darband and Tavildara areas. The latter area is controlled by the UTO's chief of staff, who had been proposed for the defence portfolio under an understanding between the parties that a UTO member would be appointed to head a power ministry. President Rakhmonov has rejected this nomination.

13. Both the Government and the UTO have expressed concern that the situation might deteriorate and have asked for international assistance to support the fighters. It will be recalled that temporary assistance for UTO personnel was originally envisaged in the context of strict implementation of the Protocol on military issues (notably the quartering of the fighters, registration and control of their arms, adherence to the six-month timetable), and UNMOT did provide food and other necessities until its limited means, which were meant to bridge only the first two months, were exhausted. In the present circumstances, the United Nations has explained to the Tajik parties that the international community could not be expected to subsidize armed forces for an indeterminate period. However, the United Nations would make renewed efforts to obtain funds for reconstruction and other projects (e.g., food for work, food for training, land-lease projects) designed to create jobs for former fighters in order to enable them to return to civilian life. One such project, which will create jobs for up to 500 persons for 12 months, is being launched in the Karategin Valley, starting with Jirgital, by the United Nations Office for Project Services (UNOPS), using funds donated by Norway ($500,000) and the United States ($345,000).

Contact Group

14. The Contact Group continued its active political work in promoting implementation of the peace agreement. It held periodic joint plenary meetings with the CNR to review progress in certain areas, e.g., the implementation of the military protocol or political issues. These meetings have added impetus to the process and have been welcomed by the parties. The last such meeting was held on 15 April to review the peace process as a whole. Mr. Jan Kubiš, my Special Representative, has kept in touch with the Government of Uzbekistan, which has not been represented in the Contact Group since November 1998 (S/1999/124, para. 14).

15. On 27 April, the Contact Group issued a statement in which it made a number of specific recommendations and suggestions on matters requiring action. Among other things, the Contact Group recommended that the referendum on constitutional amendments be held at the latest by August 1999 and that President Rakhmonov's instructions of 2 March should be expeditiously completed, particularly as regards attestation, integration of fighters, amnesty, and the reinstatement of UTO members to their previously held positions. The Contact Group further suggested that all registered weapons be actually stored and guarded in the assembly areas and that this be verified by the CNR. The Contact Group also called for the expeditious and full implementation of the Amnesty Law as well as further action on appointments of UTO members at all levels of government. It also recommended that the media improve its credibility by being

accessible to all segments of the social and political spectrum, and urged both parties to take further steps to incorporate into the peace process various political and social actors to broaden its base and to strengthen civil accord in Tajikistan.

Refugees

16. The United Nations High Commissioner for Refugees continued to support the return of refugees from the countries of the Commonwealth of Independent States (CIS). In the course of 1999, 4,000 refugees from Turkmenistan, 1,000 from Kyrgyzstan and 1,000 from Kazakhstan are expected to return; 1,800 homes (benefiting 15,000 refugees who have returned to the country since the signing of the peace agreement) have been reconstructed or repaired. Lack of funds has hampered the reconstruction of the remaining 4,500 houses, of which 2,000 were to be completed in 1998.

Humanitarian activities of the United Nations system

17. The World Bank has earmarked $95 million for structural reforms, disaster relief, educational reform, rehabilitation of private farms, and enhancement of organizational capabilities of the Government.

18. The United Nations Development Programme, in conjunction with the World Bank, financed a survey on living conditions in Tajikistan which was launched with a pilot questionnaire in March. The results of the survey will allow the Government to review its poverty strategy and better focus on vulnerable groups.

19. The 1999 Consolidated Interagency Appeal for Tajikistan has generated only $617,045, some 2.5 per cent of the total funds requested. In this connection, I would call upon Member States to contribute promptly and generously to the humanitarian action plan outlined in the Appeal.

III. SECURITY

20. Security was better than in earlier periods. However, the situation remained tense, and there were some incidents which were politically motivated.

21. On 26 March, after a month-long trial, the Supreme Court of Tajikistan found the three men accused of the killing of four UNMOT personnel on 20 July 1998 guilty of murder and related charges and sentenced them to death. The trial was open to the public, and UNMOT observed the proceedings. In a letter to President Rakhmonov, I deplored in the strongest terms the horrific crime which had been committed and which will remain a source of pain not only for the families of those killed but also for the United Nations and other organizations that sacrifice so much in sending staff into volatile areas to assist in conflict resolution and peace-building. At the same time, noting that the United Nations has, as a matter of principle, consistently maintained its opposition to the death penalty, I appealed to the President to consider commuting the death sentence imposed by the Supreme Court.

22. On 30 March, a prominent member of Parliament was killed by unknown gunmen. On 28 April, armed men associated with a former opposition commander attacked a police post in Yavan district, some 40 kilometres south-east of Dushanbe, taking six policemen hostage. The commander demanded the release of four persons belonging to his group whom the Government had arrested. A joint commission comprising Government and UTO members was formed to deal with the situation. On 2 May, four of the hostages were released. On 5 May, the remaining two were released in exchange for the four persons who had been arrested.

23. On 10 April, an employee of a foreign non-governmental organization was stopped between Komsomolabad and Obi-Garm by a group of armed men who threatened to kill all international personnel entering that area. The incident occurred on a stretch of the main east/west axis that is not under effective control of any responsible authority and has traditionally been the site of incidents. A ban on movement in that sector remains in effect for United Nations and related personnel.

IV. ORGANIZATIONAL MATTERS

24. As of April 1999, UNMOT comprised 165 civilian staff, of whom 49 were internationally recruited, and 29 military observers from Austria (2), Bangladesh (3), Bulgaria (3), the Czech Republic (2), Denmark (2), Ghana (2), Indonesia (2), Jordan (4), Nepal (2), Nigeria (2), Poland (1) the Ukraine (2), and Uruguay (2). A three-member medical unit from Jordan and Bangladesh is included in the above numbers. In addition, there are two civilian police officers from Austria and Poland, respectively. Brigadier-General John Hvidegaard from Denmark replaced Brigadier-General Tengku Ariffin bin Tengku Mohammed as Chief Military Observer on 1 April. Mr. Jan Kubiš continued as my Special Representative.

25. UNMOT is currently making preparations to reopen some of its field offices, beginning with Khorog and then Khujand. UNMOT is in touch with the local authorities to make arrangements for the security of its personnel. It is expected that the field offices will be operational by June.

26. UNMOT continued to cooperate closely with OSCE on matters relating to constitutional reform, democratization and elections. It maintained close contact with the CIS Collective Peacekeeping Forces regarding the maintenance of the ceasefire and security, and remained in touch with the Russian Border Forces on matters of mutual concern. The CIS Forces currently comprise the 201 Motorized Division from the Russian Federation and a small battalion from Kazakhstan. The latter is deployed on the border to Afghanistan and is actually under the operational control of the Russian Border Forces.

V. FINANCIAL ASPECTS

27. The General Assembly, in its resolutions 52/229 B of 26 June 1998 and 53/19 of 2 November 1998, appropriated a total amount of $20 million gross for the maintenance of UNMOT for the period from 1 July 1998 to 30 June 1999. The proposed budget for the maintenance of UNMOT from 1 July 1999 to 30 June 2000

has been submitted to the General Assembly for its consideration. The cost of maintaining UNMOT for the 12-month period is estimated at $19,109,400 gross. Therefore, should the Security Council decide to extend the mandate beyond 15 May 1999, the cost of maintaining the Mission would be limited to the amounts indicated above.

28. As at 15 April 1999, unpaid assessed contributions to the Special Account for UNMOT from the inception of the Mission to 15 May 1999 amounted to $3.7 million, which represents some 7 per cent of the assessment for the Mission. The unpaid assessed contributions for all peacekeeping operations amounted to $1.6 billion.

VI. OBSERVATIONS

29. The peace process in Tajikistan has made some progress, although it continued to be held back by a deep-seated lack of confidence between the parties. The preoccupations of the two sides have also further delayed the inclusion in the political process of other parties, in accordance with the commitment that the CNR should engage in a broad dialogue with all elements of the political spectrum. I consider the launching of such a dialogue essential if the outcome of the peace process is to find lasting acceptance within the Tajik body politic.

30. UNMOT, in close cooperation with OSCE and the other members of the Contact Group, has been assisting the parties in overcoming obstacles and contributing to an atmosphere conducive to finding agreed solutions. The reopening of field offices, made possible by the relative calm in Tajikistan, should strengthen the mission in this regard.

31. In approving UNMOT's mandate by its resolution 1138 (1997), the Security Council adopted a strategy that rests on two pillars. UNMOT's activities, which are funded through assessed contributions, make up one pillar. Support for the demobilization of fighters and for elections makes up the second pillar, which is funded from voluntary contributions. Except for the project mentioned in paragraph 13 above, the second pillar remains extremely weak, due to lack of voluntary contributions.

32. It is understandable that donors are reluctant to invest in a process whose outcome still seems uncertain. On the other hand, donor support is crucial precisely in order to achieve a positive outcome. Projects for demobilization such as the one UNOPS is launching in Jirgital are key in this regard, and should be duplicated in other areas where the security situation permits it. Similarly, under present arrangements, any international role in elections will also require voluntary contributions. I call on Member States to make available the relatively modest means that are required. The experience in Tajikistan has shown the drawbacks of funding essential elements of a mandate through voluntary contributions, rather than through assessed contributions, as is the case in other peacekeeping operations.

33. The Contact Group has continued to play an important role. I fully support the line it has taken and believe that a meeting at the level of Foreign

Ministers, which was agreed in principle last summer, could lend further impetus to the peace process.

34. The peace process in Tajikistan continues to require direct international attention and support. I therefore recommend that UNMOT's mandate be extended for another six months, until 15 November 1999.

35. In conclusion, I wish to pay tribute to Mr. Kubiš, my Special Representative, and to the men and women serving with UNMOT for the manner in which they have performed their difficult duties and stood up to the dangers they continue to face. I also wish to express my appreciation to the countries contributing personnel to UNMOT for their understanding and their support for this difficult operation.

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